

FISCAL NOTE

SB 2588 - HB 3189

March 12, 2002

SUMMARY OF BILL: Requires the court to order a person convicted of D.U.I. who has a prior conviction within the past five years to undergo a drug and alcohol assessment and receive treatment as appropriate. Specifies that the expense of such assessment and treatment shall be the responsibility of the person receiving it unless the court determines the person is indigent. Authorizes the expense or some portion of the expense of such assessment and treatment to be paid from the Alcohol and Drug Addiction Treatment Fund for those determined to be indigent.

ESTIMATED FISCAL IMPACT:

Other Fiscal Impact - Provisions of the bill increase demand on the Alcohol and Drug Addiction Treatment Fund but do not provide for spending above the authorized annual spending level.

Estimate assumes:

- drug and alcohol assessments could be performed within existing resources as there is already an assessment procedure in place.
- provisions increase demand on the Alcohol and Drug Addiction Treatment Fund and would allow the Fund to pay for treatment options other than the currently authorized inpatient treatment including residential rehabilitation, intensive outpatient and other outpatient programs not currently available to indigent repeat DUI offenders.
- a maximum 28-day stay in a treatment facility costs approximately \$2,345 per person.
- the Governor's budget proposal (page B-166) includes \$2,000,000 to be spent from the Alcohol and Drug Addiction Treatment Fund to provide treatment for repeat DUI offenders in addition to the current annual authorized spending level of \$1,000,000.
- under T.C.A. 55-10-403(a)(4)(B), "the court is not empowered to order the expenditure of public funds to provide treatment"; therefore, the use of the Alcohol and Drug Addiction Treatment Fund or other public funds to pay for treatment under the provisions of the bill is assumed to be permissive.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

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A handwritten signature in black ink, reading "James A. Davenport". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

James A. Davenport, Executive Director